

The Commission has previously determined (Report & Order FCC 99-412) that demonstration of Morse code proficiency does not comport with the basis and purpose of the Amateur Radio Service, and that it served no regulatory purpose. The test of proficiency could not be eliminated at the time of the R&O because such a demonstration was required in order to minimally meet the requirements of the then-existing ITU Radio Regulations.

The Radio Regulations have, as the Commission is no doubt aware, recently been changed to eliminate the required demonstration of Morse code proficiency, thus removing the only rationale for the continued existence of the Element 1 examination. Having acknowledged that, and given the recent exhaustive examination of the facts and law by the FCC as so clearly articulated in R&O 99-412, it seems incumbent upon the Commission to eliminate this examination and grant the recommended changes in Part 97 as requested in the subject petition.

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